

STATE OF TENNESSEE
In the Circuit Court of Franklin County

THE UNIVERSITY OF THE SOUTH,

Plaintiff,

NO. 17456-CV

vs.

SOUTH UNIVERSITY, LLC, f/k/a SOUTH UNIVERSITY,
INC., EDUCATION MANAGEMENT, LLC, and
EDUCATION MANAGEMENT CORPORATION,

Defendants.

SUMMONS

TO. South University, LLC by and through its Registered Agent, Corporation Service Company,

Defendant

Address

40 Technology Parkway South, Suite 300, Norcross, Georgia 30092

Defendant

Address

You are hereby summoned to answer and make defense to a bill of complaint which has been filed in the Circuit Court of Franklin County, Tennessee in the above styled case. Your defense to this complaint must be filed in the office of the Circuit Court Clerk of Franklin County, Tennessee on or before thirty (30) days after service of this summons upon you. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

WITNESSED and Issued this 10th day of June, 2009

Nancy Silvertooth, Circuit Court Clerk

By Courtney Penny
(Deputy Circuit Court Clerk)

ATTORNEYS FOR PLAINTIFF John G. Jackson, Chambliss, Bahner & Stophel, P.C., 1000 Tallan Building

Two Union Square, Chattanooga, Tennessee 37402-2500

Address

PLAINTIFF'S ADDRESS: c/o John G. Jackson, Chambliss, Bahner & Stophel, P.C., 1000 Tallan Building

Two Union Square, Chattanooga, Tennessee 37402

Received this _____ day of _____, 20____

/S/ _____
Deputy Sheriff

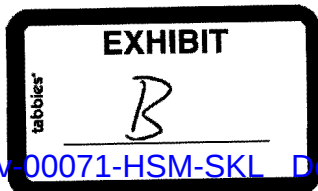
COST BOND

I hereby acknowledge and bind myself for the prosecution of this action and payment of all costs in this court which may at any time be adjudged against the plaintiff in the event said plaintiff shall not pay the same.

Witness my hand this 10th day of June, 2009.

John G. Jackson, for the firm
Surety

Chambliss, Bahner & Stophel, P.C.,
1000 Tallan Building, Two Union Square,
Chattanooga, Tennessee 37402-2500



State of Tennessee,
County of Franklin

I, Nancy Silvertooth, Clerk of the Circuit Court, in and for the State and County aforesaid, hereby certify that the within and foregoing is a true and correct copy of the original writ of summons issued in this case.

Nancy Silvertooth, Circuit Court Clerk

By Courteney Perry D.C.

OFFICER'S RETURN

I certify that I served this summons together with the complaint as follows:

☐ On, _____, 20____, I delivered a copy of the summons and complaint to the defendant, _____

☐ Failed to serve this summons within 30 days after its issuance because: _____

Tim Fuller, Sheriff

Deputy Sheriff

CLERK'S RETURN

I hereby acknowledge and accept service of the within summons and receive copy of same, this _____ day of _____, 20____.

Defendant

Nancy Silvertooth, Circuit Court Clerk

By _____ D.C.

NOTICE TO DEFENDANT(S)

Tennessee law provides a four thousand (\$4,000.00) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt, with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

IN THE TWELFTH JUDICIAL CIRCUIT OF TENNESSEE

THE UNIVERSITY OF THE SOUTH,)	
)	CIVIL ACTION NO. 17456-CV
Plaintiff,)	
)	JURY DEMANDED
v.)	
)	
SOUTH UNIVERSITY, LLC, F/K/A)	
SOUTH UNIVERSITY, INC.,)	
EDUCATION MANAGEMENT, LLC, and)	
EDUCATION MANAGEMENT)	
CORPORATION)	
)	
Defendants.)	

WAIVER AND ACKNOWLEDGMENT OF SERVICE OF SUMMONS

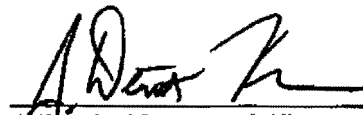
TO: J. Devitt Kramer
South University, LLC
210 Sixth Avenue, 33rd Floor
Pittsburgh, Pennsylvania 15222

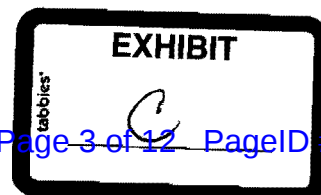
I, J. Devitt Kramer, officer of Defendant SOUTH UNIVERSITY, LLC ("SULLC") in the action of The University of the South v. South University, LLC f/k/a South University, Inc., Education Management, LLC and Education Management Corporation, 12th Judicial District, Franklin County Circuit Court, Case No.: 17456-CV, acknowledge on behalf of SULLC that I waive personal service of summons and process of the *Complaint* and *Motion to File Exhibit to Complaint Under Seal*.

I acknowledge that I have received a copy of the *Complaint* and *Motion to File Exhibit to Complaint Under Seal* in this action and further acknowledge that SULLC has been properly served.

SOUTH UNIVERSITY, LLC

DATED: 6/19/09


J. Devitt Kramer, Officer



IN THE TWELFTH JUDICIAL CIRCUIT OF TENNESSEE

THE UNIVERSITY OF THE SOUTH,

Plaintiff,

v.

SOUTH UNIVERSITY, LLC, F/K/A
SOUTH UNIVERSITY, INC.,
EDUCATION MANAGEMENT, LLC, and
EDUCATION MANAGEMENT
CORPORATION

Defendants.

CIVIL ACTION NO. 17456-CV

JURY DEMANDED

FILED 6/10/09
TIME 2:25 P.M.
NANCY SILVERTOOTH
CIRCUIT COURT CLERK
FRANKLIN COUNTY, TN

MOTION TO FILE EXHIBIT TO COMPLAINT UNDER SEAL

Plaintiff, The University of the South, pursuant to Tenn. Rule of Civil Procedure 26, hereby moves to seal Exhibit 2 to the Complaint which is being filed contemporaneously herewith. In support of this motion Plaintiff states as follows:

1. The Complaint filed herein attaches a confidential Settlement and Consent Agreement ("Settlement Agreement") executed by the parties on April 28, 2003, as Exhibit 2.
2. The Settlement Agreement requires the parties to keep its terms confidential.
3. Plaintiff requests that Exhibit 2, the Settlement Agreement, remain sealed throughout this litigation and returned to the filing party once the case is concluded.
4. A proposed Order is attached hereto as Exhibit A for the Court's consideration.
5. The undersigned certifies that a copy of this Motion, and proposed Order, will be served with the Summons and Complaint on each Defendant herein.

EXHIBIT

Exhibits

WHEREFORE, Plaintiff respectfully requests entry of an order permitting it to file under seal the attached Exhibit 2 to its Complaint.

Respectfully submitted by:

CHAMBLISS, BAHNER & STOPHEL, P.C.

By: 

John G. Jackson, Tenn. BPR No. 013840

David J. Hill, Tenn. BPR No. 009864

1000 Tallan Building

Two Union Square

Chattanooga, Tennessee 37402-2502

Telephone: (423) 756-3000

Fax No.: (423) 265-9574

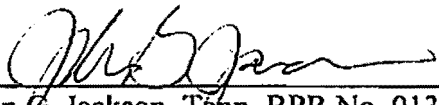
E-mail: JJackson@cbslawfirm.com

DHill@cbslawfirm.com

Attorneys for Plaintiff, The University of the South

Approved for Entry:

CHAMBLISS, BAHNER & STOPHEL, P.C.

By: 
John G. Jackson, Tenn. BPR No. 013840
David J. Hill, Tenn. BPR No. 009864
1000 Tallan Building
Two Union Square
Chattanooga, Tennessee 37402-2502
Telephone: (423) 756-3000
Fax No.: (423) 265-9574
E-mail: JJackson@cbslawfirm.com
DHill@cbslawfirm.com

Attorneys for Plaintiff, The University of the South

EXHIBIT 2

FILED UNDER SEAL

IN THE TWELFTH JUDICIAL CIRCUIT OF TENNESSEE

THE UNIVERSITY OF THE SOUTH,)	
)	CIVIL ACTION NO.
Plaintiff,)	
)	JURY DEMANDED
v.)	
)	
SOUTH UNIVERSITY, LLC, F/K/A)	
SOUTH UNIVERSITY, INC.,)	
EDUCATION MANAGEMENT, LLC, and)	
EDUCATION MANAGEMENT)	
CORPORATION)	
)	
Defendants.)	
)	

ORDER

This matter came before the Court on the Plaintiff's Motion to File Exhibit 2 to Plaintiff's Complaint Under Seal. Having considered the motion, it is hereby:

ORDERED AND ADJUDGED that


1. Plaintiff's Motion to file Exhibit 2 to Plaintiff's Complaint Under Seal is GRANTED.
2. The Clerk is directed to file Exhibit 2 to Plaintiff's Complaint under seal.
3. Exhibit 2 shall remain under seal pending further orders of this Court.

Ordered on this the ____ day of _____, 2009.

Circuit Court Judge, 12th Judicial District of Tennessee

Approved for Entry:

CHAMBLISS, BAHNER & STOPHEL, P.C.

By: 
John G. Jackson, Tenn. BPR No. 013840
David J. Hill, Tenn. BPR No. 009864
1000 Tallan Building
Two Union Square
Chattanooga, Tennessee 37402-2502
Telephone: (423) 756-3000
Fax No.: (423) 265-9574
E-mail: JJackson@cbslawfirm.com
DHill@cbslawfirm.com

Attorneys for Plaintiff, The University of the South

IN THE CIRCUIT COURT OF TENNESSEE
TWELFTH JUDICIAL DISTRICT
AT WINCHESTER

THE UNIVERSITY OF THE SOUTH

Plaintiff,

v.

SOUTH UNIVERSITY, LLC, F/K/A,
SOUTH UNIVERSITY, INC.,
EDUCATION MANAGEMENT, LLC, AND
EDUCATION MANAGEMENT
CORPORATION,

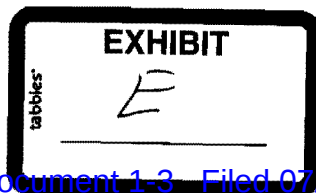
Defendants.

CIVIL ACTION NO. 17456-CV

NOTICE OF REMOVAL OF CIVIL ACTION

TO: THE CLERK OF THIS COURT AND TO THE ABOVE-NAMED PLAINTIFF

PLEASE TAKE NOTICE that a Notice of Removal, a copy of which (without exhibits) is attached hereto as Exhibit A, was filed in the United States District Court for the Eastern District of Tennessee on behalf of all Defendants pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, for the reasons that the matter in controversy exceeds \$75,000, it is a civil action involving citizens of different states, and none of the Defendants are citizens of Tennessee. Pursuant to 28 U.S.C. § 1446(d), the state court action shall proceed no further.



Dated: July 10, 2009

Respectfully submitted,



Of Counsel:

Joshua M. Ryland

RENNER, OTTO, BOISSELLE & SKLAR LLP

1621 Euclid Avenue, Nineteenth Floor

Cleveland, Ohio 44115

Telephone: (216) 621-1113

Facsimile: (216) 621-6165

Robb S. Harvey (Tenn. BPR No. 11519)

Rick G. Sanders (Tenn. BPR No. 23875)

WALLER LANSDEN DORTCH & DAVIS, LLP

Nashville City Center, Suite 2700

511 Union Street

Nashville, Tennessee 37219

Phone: 615-244-6380

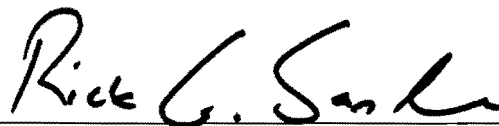
Fax: 615-244-6804

*Attorneys for Defendants South University,
LLC, Education Management, LLC, and
Education Management Corporation.*

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of July, 2009, a true and correct copy of the foregoing **NOTICE OF REMOVAL OF CIVIL ACTION** was served on the following parties via facsimile and first-class mail, postage pre-paid, as indicated below:

John G. Jackson
David J. Hill
Chambliss, Bahner & Stohpel, P.C.
1000 Tallan Building
Two Union Square
Chattanooga, Tennessee 37402-2502



Counsel for Defendants